

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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FREEDOM MORTGAGE CORPORATION,

Plaintiff,

-against-

SEETA ABASS, ACCEL CAPITAL, SUPERIOR CAPITAL d/b/a COOPER ASSET, KEYBANK NA, NEW YORK CITY ENVIRONMENTAL CONTROL BOARD, NEW YORK CITY PARKING VIOLATIONS BUREAU, and NEW YORK CITY TRANSIT ADJUDICATION BUREAU,

Defendants.

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NOT FOR PUBLICATION
MEMORANDUM & ORDER
22-CV-5577 (CBA) (JRC)

AMON, United States District Judge:

On September 20, 2022 Plaintiff brought this foreclosure action against defendants Seeta Abass , Accel Capital, Superior Capital d/b/a Cooper Asset, Keybank NA, New York City Environmental Control Board (“ECB”), New York City Parking Violations Bureau (“PVB”) and New York City Transit Adjudication Bureau (“TAB”) (collectively “Defendants”) pursuant to New York’s Real Property Actions and Proceedings Law (“RPAPL”), Article 13. (ECF Docket Entry (“D.E.”) # 1.)¹ Since the commencement of this litigation, Defendants have failed to make an appearance or otherwise respond to the complaint. Defendants have been properly served all required papers. (D.E. ## 11, 13.)

On January 9, 2023, Plaintiff submitted a request for an entry of default, which the Clerk of the Court granted on January 12, 2023. (D.E. ## 14, 15.) To date, Defendants have not responded to this action.

¹ Plaintiff’s complaint also named as defendants “John Doe #1” through “John Doe #10”; Plaintiff has since dismissed its claims against those defendants pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i). (D.E. # 18.)

On March 8, 2023, Plaintiff moved for default judgment (D.E. # 19), and I referred that motion to the Honorable James R. Cho, United States Magistrate Judge, for report and recommendation. (Text order dated March 13, 2023.) Magistrate Judge Cho recommended denying Plaintiff's motion without prejudice, citing deficiencies with satisfying certain requirements under the RPAPL and Plaintiff's damages request. (See generally D.E. # 27.) Plaintiff subsequently withdrew its motion. (D.E. # 30.)

On March 21, 2024, Plaintiffs again moved for default judgment (D.E. # 31), and I referred that motion to Magistrate Judge Cho for report and recommendation. (Text order dated March 21, 2024.) On December 10, 2024, Magistrate Judge Cho held a hearing on Plaintiff's motion and ordered Plaintiff to supplement its motion to address any liens in favor of ECB, TVB, and TAB. (Minute entry dated Dec. 10, 2024.) Plaintiff subsequently supplemented its motion as to ECB and TVB, but not TAB. (D.E. # 38.) On March 3, 2025, Magistrate Judge Cho issued a report and recommendation. (D.E. # 40 ("R&R").)

When deciding whether to adopt an R&R, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). To accept those portions of the R&R to which no timely objection has been made, "a district court need only satisfy itself that there is no clear error on the face of the record." Jarvis v. N. Am. Globex Fund, L.P., 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (quoting Wilds v. United Parcel Serv., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003)). No party has objected to the R&R, and the time for doing so has passed. Because I do not find clear error in Magistrate Judge Cho's thorough R&R, I adopt it in full.

CONCLUSION

As set forth above, I adopt Magistrate Judge Cho's R&R in full. Accordingly, I order the foreclosure and sale of the property located at 107-58 156th Street, Jamaica, New York; (2) I appoint Stephanie S. Goldstone, Esq. as referee to conduct the foreclosure and sale; (3) Plaintiff shall be awarded the principal balance of \$401,488.46; (4) Plaintiff shall be awarded \$73,128.00 in interest from September 1, 2019 through March 20, 2024, plus additional interest at a rate of \$44.00 per day from March 21, 2024 until the entry of judgment; (5) Plaintiff shall be awarded \$1,453.40 in late charges; (6) Plaintiff shall be awarded \$65,452.29 in escrow advances and inspection costs; and (7) Plaintiff shall be awarded \$2,825.00 in attorneys' fees and \$1,773.05 in costs. Plaintiff is directed to file a revised proposed judgment of foreclosure and sale consistent with this Order.

Plaintiff's motion for a default judgment against TAB is denied, and the Clerk of Court is respectfully directed to vacate the default entered against TAB. On or before April 15, 2025, Plaintiff shall file a letter stating whether it intends to voluntarily dismiss its claims against TAB or, if not, how it intends to proceed.

SO ORDERED.

Dated: March 19, 2025
Brooklyn, New York

s/Catol Bagley Amon
Carol Bagley Amon
United States District Judge